

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

**IN RE NATIONAL PRESCRIPTION  
OPIATE LITIGATION**

**This document relates to:**

*Cleveland Bakers & Teamsters Health & Welfare Fund and Pipe Fitters Local Union No. 120 Insurance Fund v. Purdue Pharma L.P., et al.*  
Case No. 18-OP-45432 (N.D. Ohio)

**MDL No. 2804  
Case No. 17-md-2804  
Judge Dan Aaron Polster**

**MOTION TO DISMISS COMPLAINT  
BY DEFENDANTS WALMART INC., CVS HEALTH CORP., RITE AID OF  
MARYLAND, INC., AND WALGREENS BOOTS ALLIANCE, INC.**

Defendants Walmart Inc., CVS Health Corp., Rite Aid of Maryland, Inc., and Walgreens Boots Alliance, Inc. (collectively the “Moving Defendants”) move to dismiss the Complaint pursuant to Rules 12(b)(1) and 12(b)(6). The Complaint must be dismissed for the reasons set forth in the accompanying Memorandum of Law. It must also be dismissed for the reasons set forth in the *Motion to Dismiss Summit County Second Amended Complaint by Walmart Inc., CVS Health Corp., Rite Aid Corp., and Walgreens Boots Alliance, Inc.*, Doc. #497, and in the motion submitted by Defendants McKesson Corporation, Cardinal Health, Inc., and AmerisourceBergen Drug

Corporation, both of which are incorporated by reference pursuant to Case Management Order One. *See* Doc. #232.

Dated: 23 July 2018

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on July 23, 2018, this Motion to Dismiss was filed electronically on the master docket for this matter. Case Management Order One provides that “[e]lectronic case filing of a document, other than an initial pleading, in the master docket shall be deemed to constitute proper service on all parties.” ECF No. 232 at 8 (No. 1:17-MD-2804).

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